

Message Text

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R 211853Z OCT 76
FM AMEMBASSY BONN
TO SECSTATE WASHDC 2711
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 17887

E.O. 11652: GDS
TAGS: PINS PFOR PGOV WB GW
SUBJECT: CONVENTION ON THE PREVENTION AND PUNISHMENT
OF CRIMES AGAINST INTERNATIONALLY
PROTECTED PERSONS

REF: STATE 256207

1. THE EMBASSY IS DELAYING THE DEMARCHE URGING SPEEDY
FRG RATIFICATION OF THE SUBJECT CONVENTION, AS
INSTRUCTED IN REFTEL, BECAUSE OF AN AS YET UNRESOLVED
PROBLEM CONCERNING EXTENSION OF THE CONVENTION TO
BERLIN. MOST OR ALL OF THE FRG PARLIAMENTARY PROCEDURES
PREPARATORY TO RATIFICATION HAVE BEEN COMPLETED, AND THE
FRG DELAY IN RATIFICATION MAY BE DUE TO THE BERLIN
ISSUE.

2. THE ALLIED KOMMANDATURA ISSUED BK/L(76)15 ON 18 MAY
1976 EXPRESSING CERTAIN RESERVATIONS TO THE APPLICATION
OF THE CONVENTION TO BERLIN. IN PARTICULAR, THE AK
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NOTED THE CONTINUING COMPETENCE OF THE ALLIED

COMMANDANTS TO DETERMINE QUESTIONS OF PRIVILEGES AND IMMUNITIES IN BERLIN AND THE RIGHT OF THE APPROPRIATE SECTOR COMMANDANT TO DECIDE WHETHER IN ANY PARTICULAR CASE HIS NATIONALS MIGHT BE EXTRADITED UNDER ARTICLE 8 OF THE CONVENTION. THE BK/L ALSO EXPRESSED RESERVATIONS WITH REGARD TO ARTICLES 4 AND 7.

3. IN SUBSEQUENT BONN GROUP DISCUSSION, THE QUESTION HAS BEEN RAISED OF THE EXTENT TO WHICH THE BERLIN DECLARATION MADE BY THE FRG IN DEPOSITING ITS INSTRUMENTS OF RATIFICATION SHOULD REFER TO THE ALLIED RESERVATIONS. US AND FRENCH REPS WERE OF THE OPINION THAT THESE RESERVATIONS SHOULD BE SPELLED OUT, IN ORDER TO MAKE CLEAR TO OTHER PARTIES TO THE CONVENTION (AND ALSO TO THE SOVIETS, WHO WILL PROTEST THAT THE CONVENTION AFFECTS MATTERS OF STATUS) THAT THE FRG IS UNABLE TO EXERCISE IN BERLIN ALL OF THE OBLIGATIONS WHICH IT UNDERTAKES IN THE CONVENTION. THE UK REP, ON THE OTHER HAND, HAS OPPOSED ANY REFERENCE TO RESERVATIONS IN THE BERLIN DECLARATION, BECAUSE THE BRITISH HAVE BEEN URGING THROUGHOUT THAT ALL PARTIES ACCEPT THIS CONVENTION WITHOUT ANY RESERVATIONS.

4. DISCUSSION OF THE ITEM UNFORTUNATELY DROPPED FROM THE BONN GROUP AGENDA DURING THE SUMMER AND HAS ONLY RECENTLY BEEN REVIVED. WE WILL ATTEMPT IN THE NEAR FUTURE TO REACH A COMPROMISE IN THE FORM OF A BERLIN DECLARATION WHICH WOULD REFER GENERALLY TO ALLIED RIGHTS AND RESPONSIBILITIES, WITHOUT SPELLING OUT THE NATURE OF THE RESERVATIONS. WE WOULD HOPE THAT THE UK WOULD AGREE THAT SUCH A DECLARATION WOULD NOT IN FACT AMOUNT TO A DEROGATION FROM THE TREATY. STOESSEL

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